

as being anticipated by U.S. Patent No. 6,417,854 to Isowaki et al. ("Isowaki"), and rejected claims 5, and 7-8 under 35 U.S.C. § 103(a) as being unpatentable over Isowaki. The Examiner also objected to the specification under 37 C.F.R. § 1.75(d)(1) for failing to provide proper antecedent basis for the claimed subject matter.

Regarding the §112, second paragraph, rejection of claims 5, and 7-8 as being indefinite, Applicant has amended claims 5, and 7-8 to more particularly define the claimed invention without affecting the scope of the subject matter recited therein. Based upon these amendments, Applicant respectfully requests the Examiner to withdraw the §112, second paragraph rejection of amended claims 5 and 7-8.

Regarding the § 1.75(d)(1) objection to the specification, for the reasons provided above in the response to the §112, second paragraph rejection, the objection is overcome and Applicant respectfully requests the Examiner to withdraw the 37 C.F.R. §1.75(d)(1) objection to the specification.

Applicant respectfully traverses the §102(e) rejection of claims 1-4, 6, and 9-12 because the Examiner failed to establish a *prima facie* case of anticipation under §102(e). In order to properly anticipate Applicant's claimed invention under 35 U.S.C. §102(e), each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. §2131 (8th Ed., Aug. 2001), quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he

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elements must be arranged as required by the claim." M.P.E.P. §2131 (8<sup>th</sup> ed. 2001), p. 2100-69.

Regarding claim 1, Isowaki discloses an image processing system for preparing a plurality of textures for display on a background image wherein a movable object is present. Specifically, Isowaki discloses dividing texture memory into even, odd, and common blocks to expedite the utilization of texture memory (col. 6, lines 40-48; Fig. 2). Isowaki further discloses showing texture data blocks as they apply to an areas on an entire car race course. The closed-circuit car race course is normally constructed in advance and is used by fetching texture and other data required by a scene accompanying the movement of a movable object in accordance with the development of the game (col. 6, line 64-col. 7, line 6; Fig. 3). Isowaki discloses determining the area on the car race course where a moving object is currently located (S502, Fig. 5), and loading appropriate data from blocks corresponding to the area (col. 8, lines 8-36; Figs. 5, 6 and 7).

Conversely, Isowaki fails to disclose a combination of elements, including at least a "pre-reading means for pre-reading said background data from said storage means by establishing an area for pre-reading which includes: setting a predetermined angle-of-visibility based on a direction of the moving object, setting a limit-line of a visual field at a predetermined distance towards a front of the visual field, and setting a pre-reading start line at a predetermined distance towards the front of the limit-line of the visual field," (emphasis added) as recited in claim 1.

Furthermore, Applicant disagrees with the Examiner's interpretation of Isowaki's col. 12, lines 2-24 and Figs. 14-15, and submits that Isowaki cannot be reasonably interpreted to disclose all of the features of claim 1 as set forth above.

Accordingly, Applicant respectfully requests the Examiner to withdraw the §102(e) rejection of claim 1. Claims 2-4, 6, 9-10, and 12 depend directly or indirectly from claim 1 and are allowable for at least the reasons provided for allowable claim 1. Claim 11 recites recitations similar to claim 1 and is allowable for at least the reasons provided for the allowability of claim 1.

Applicant respectfully traverses the §103(a) rejections of claims 5, 7, and 8 to Isowaki because the Examiner failed to establish a *prima facie* case of obviousness under §103(a). In order to maintain a valid §103(a) rejection, each of three requirements must be met. First, the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. (See M.P.E.P. §2143.03 (8<sup>th</sup> ed. 2001).) Second, there must be some suggestion or motivation, either in the reference(s) themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must "be found in the prior art, and not be based on Applicant's disclosure." (M.P.E.P. § 2143 (8<sup>th</sup> ed. 2001).)

Regarding the § 103(a) rejections of claim 5, claim 5 depends from claim 1 and includes all of the features recited therein. The subject matter Isowaki teaches is provided above in the arguments for the allowability of claim 1. Accordingly, Isowaki

fails to teach or suggest, a combination of elements including, at least a “pre-reading means for pre-reading said background data from said storage means by establishing an area for pre-reading which includes: setting a predetermined angle-of-visibility based on a direction of the moving object, setting a limit-line of a visual field at a predetermined distance towards a front of the visual field, and setting a pre-reading start line at a predetermined distance towards the front of the limit-line of the visual field,” (emphasis added) as recited in claim 5.

Furthermore, the Examiner appears to be taking Official Notice in making the conclusion that, as recited in claim 5, a “counting means for detecting whether said moving object exists within said respective areas equivalent to memory blocks storing background data of said work memory, or whether an area exists within the visual field, and counting said moving object or area periodically . . . .” is conventional. Applicant respectfully requests that the Examiner cite competent prior art references (if any exist) in support of the Examiner's assertion or provide an affidavit if it is within the Examiner's personal knowledge or else withdraw this ground of rejection. See M.P.E.P. § 2144.03.

The Examiner also asserted that “the [A]pplicant failed to give critical reasons for the use of a series of the count values or the use of a counting means in the image processing game device.” Applicant respectfully submits the Examiner's focus on criticality is immaterial, and each feature recited in claim 5 must be taught in the prior art for a § 103(a) rejection to be properly maintained.

Furthermore, Applicant disagrees with the alleged motivation provided by the Examiner that “the modification would have been required for determining the usage

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status of the memory blocks as suggested by Isowaki by implicitly disclosing a determining means to determine texture memory to be read from memory blocks . . . .” Additionally, there would be no reasonable expectation of success to incorporate the unsupported Official Notice taken by the Examiner into the teachings of Isowaki since the reference neither teaches or suggests all of the recitations included in claim 5.

Accordingly, Applicant respectfully requests the Examiner withdraw the rejection of claim 5. Claims 7 and 8 depend from claim 5 and are allowable for at least the reasons provided above for allowable claim 5.

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

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Please grant any extension of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By:  41,439 

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